

Attorney Docket No. US010571US

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**I. INTRODUCTION**

No new matter has been added. Thus, claims 1, 3-10 and 12-19 remain pending in this application. It is respectfully submitted that based on the following remarks, all of the presently pending claims are in condition for allowance.

**II. The 35 U.S.C. § 112 REJECTIONS SHOULD BE WITHDRAWN**

Claims 1, 10 and 19 are rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the enablement requirement. (See 12/05/07 Office Action p. 2).

The Examiner rejected claims 1, 10 and 19 stating that, "The claims in their current form, require the same item to have been selected by both the user and a third party recommender...The specification, however, lacks any teaching that the same item is ever selected, nor that it is required to be selected, rather scores are generated for programs within a time period." (See 12-05-07 Office Action p. 3). The specification, however, does teach that each item is selected individually. "Thereafter, the program recommendation process 400 calculates a program recommendation score, R, during step 420 for each program in the time period of interest." (See Specification p. 8, ll. 15-17). When a user selects a time period the system must inherently separate out, and therefore select, each program within the time period. The system then performs the operations as recited in claim 1 on each individual program to generate a score for that program. (See Specification p. 8, ll. 13-23). Furthermore, a time period may be small enough to include only one individual program. Therefore, Applicants submit that the limitations of claims 1, 10 and 19 are taught within the specifications and the 35 U.S.C. § 112 rejections should be withdrawn.

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**III. THE 35 U.S.C. § 103(a) REJECTIONS SHOULD BE WITHDRAWN**

Claims 1, 3-7, 9, 10, 12-16, 18 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0174429 to Gutta et al. (hereinafter "Gutta") in view of U.S. Patent No. 5,790,935 to Payton (hereinafter "Payton") in further view of U.S. Patent No. 6,637,029 to Maissel et al. (hereinafter "Maissel"). (See 12/05/07 Office Action, p. 3).

Gutta is directed toward a system that relates solely to the *generation* of a recommendation score. Specifically, Gutta teaches obtaining recommendation scores ("S<sub>1</sub>", "S<sub>2</sub>", and "S<sub>3</sub>") from at least three program recommenders, and computing a combined recommendation score ("C") by applying a voting process. The system presents the recommended score C to a user to enable the user to select a television program of interest. (See Gutta Paragraph 0016). Gutta goes on to describe the process of providing recommendation scores S<sub>1</sub>, S<sub>2</sub>, and S<sub>3</sub>, such as through the use of feedback, implicit and explicit data. (See Gutta Paragraph 0035). Gutta simply provides the user with an aggregate recommendation score from recommenders without applying any consideration to a user's personal interest.

Payton generally refers to the virtual delivery of on-demand digital information. Specifically, Payton teaches a collaborative filtering system that synthesizes the preferences of all of the subscribers and predicts the items the subscribers might like. (See Payton, col. 4, lines 7-14). The collaborative filtering system produces a list of recommended items based on a subscriber's rating vector and the subscriber's general likes and dislikes. (See Payton, col. 5, lines 6-21). To request an item, the subscriber interface displays this list of recommended items to the subscriber, wherein the subscriber can select one of the items or request a menu of available items. (See Payton, col. 6, lines 26-31).

Maissel generally refers to an apparatus for allegedly improving an electronic program guide for use in a television system. Specifically, the apparatus may allow the viewer to edit information in a viewer preference profile. (See Maissel, col. 12, ll. 46-59). The viewer is allowed to provide information on programs the viewer prefers to view or does not prefer to

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view. (See Maissel, col. 12, ll. 46-59). One of the options disclosed is to allow the viewer to instruct the apparatus to include (or not include) programs recommended by one or more critics in the program guide. (See Maissel, col. 13, ll. 5-7). In other words, the viewer, according to Maissel, may choose to accept all programs recommended by one or more critics, or, alternatively, reject all programs recommended by one or more critics.

Claim 1 recites, "calculating an adjusted recommendation score for said user, wherein said user recommendation score is adjusted based on said third party recommendation score." The Examiner states that this recitation of claim 1 is disclosed in Payton at column 5, lines 6-21 and column, lines 26-40. (See 12/05/07 Office Action, p. 4). Applicants respectfully disagree.

Contrary to the Examiner's assertion, Payton does not adjust its recommendation score based on an individually selected item from the third-party recommender. Payton contains a subscriber profile that includes a rating vector. The rating vector has a length equal to the total number of items stored on the central server. (See Payton col. 8, ll. 51-53). The rating vector is created from two different rating procedures. First, all the items for which the user has previously requested and rated, are entered into the vector and rated based on the user's rating. (See Payton col. 5, ll. 6-9). Second, if a user has not rated an item that is contained within the vector, the system places a rating based on the ratings from other subscribers in the user's subscriber group. (See Payton col. 8, ll. 55-58). Payton does not adjust any user rating for an item based on a rating from third-party users for that item. Claim 1, however, recites, "calculating an *adjusted recommendation score* for said user, wherein said user recommendation score is *adjusted* based on said third party recommendation score." Thus, it is respectfully submitted that Payton does not teach or suggest "calculating an adjusted recommendation score for said user, wherein said user recommendation score is adjusted based on said third party recommendation score," as recited in claim 1.

Applicants further submit that neither Gutta nor Maissel cure the above-described deficiency of Payton with respect to claim 1. Therefore, Applicants submit that claim 1 is allowable. Because claims 3-7 and 9 depend from and, therefore, include all the limitations of claim 1, it is respectfully submitted that these claims are also allowable for at least the reasons

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stated above with respect to claim 1.

Independent claim 10 recites, "calculate an adjusted recommendation score for said user, wherein said user recommendation score is adjusted based on said third party recommendation score." Thus, it is respectfully submitted that this claim is also allowable for at least the same reasons stated above with respect to claim 1 and the Board should overturn the Examiner's rejection of this claim. Because claims 12-16 and 18 depend from and, therefore, include all the limitations of claim 10, it is respectfully submitted that these claims are also allowable for at least the reasons stated above with respect to claim 10.

Independent claim 19 recites, "a step to calculate an adjusted recommendation score for said user, wherein said user recommendation score is adjusted based on said third party recommendation score." Thus, it is respectfully submitted that this claim is also allowable for at least the same reasons stated above with reference to claim 1 and the Board should overturn the Examiner's rejection of this claim.

#### **IV. THE 35 U.S.C. § 103(a) REJECTIONS SHOULD BE WITHDRAWN**

Claims 8 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gutta in view of Payton and Maissel in further view of U.S. Patent No. 5,754,939 to Herz et al. (hereinafter "Herz"). (See 12/05/07 Office Action, p. 7).

Applicants submit that Herz does not cure the above-described deficiencies of Gutta, Payton, and Maissel with respect to claims 1 and 10. Because claim 8 depends from, and therefore, includes all the limitations of claims 1, it is respectfully submitted that this claim is also allowable for at least the reasons stated above with respect to claim 1. Because claim 17 depends from, and therefore, includes all the limitations of claims 10, it is respectfully submitted that this claim is also allowable for at least the reasons stated above with respect to claim 10.


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**CONCLUSION**

In view of the above remarks, it is respectfully submitted that all the presently pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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